

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO  
WESTERN DIVISION**

Achashverosh Adnah Ammiyhuwd,

Petitioner,

Case No. 1:16cv401

v.

Judge Michael R. Barrett

Butler County,

Respondent.

**ORDER**

This matter is before the Court upon the Magistrate Judge's March 30, 2016 Report and Recommendation ("R&R") recommending that Petitioner's petition for removal of a state court action be denied. (Doc. 3).

The parties were given proper notice, pursuant to 28 U.S.C. § 636(b)(1)(C), including notice that the parties would waive further appeal if they failed to file objections to the R&R in a timely manner. *See United States v. Walters*, 638 F.2d 947 (6th Cir. 1981). Petitioner filed objections to the Magistrate Judge's R&R (Doc. 3); a Declaration in support of the objections (Doc. 5); an Amended Declaration in support of the objections (Doc. 6); and Memorandum of Law in support of the objections, which included a video recording (Doc. 7). Plaintiff later filed a Notice of Scrivener's Error in Proceedings (Doc. 8) and a Corrected Notice of Filing Notice of Removal to District Court of the United States with Reincorporation of All Exhibits and All Pleadings Filed and to be Recognized with the Correct Plaintiff, State of Ohio. (Doc. 9).

Petitioner also filed a Motion for Restoration and for a Screenshot of Entry and for Dismissal of Matter with Prejudice for Fraud upon the courts and the Accused. (Doc.

10). In that motion, Petitioner seeks a screenshot copy of the docket in the state court proceedings, along with the return of his automobile, other private property and the dismissal of the state court charges against him. Petitioner then filed an Amended Opposition to Magistrate Report and Recommendation due to Scrivener Errors (Doc. 11) and Notice of Motion to Grant Amended Notice of Removal pursuant to Amended Opposition to Magistrate Report Recommendation, and Diversity, Drop Petitioner as a Party Remand to State Court with Order to Return Petitioner's Private Property with Attached Citizenship, Domicile, and Tax Status Affidavit in Support (Doc. 12).

In her R&R, the Magistrate Judge explained that Petitioner is a criminal defendant in a municipal court action in Butler County who alleges that his arrest and prosecution by Butler County are unlawful, the statutes under which he is charged are unconstitutionally vague on their face and as applied, and his arrest and prosecution are "part of a policy of racial and religion discrimination, kidnapping, conspiracy, fraud, fostered by the State of Ohio and the City of Hamilton." The Magistrate Judge concluded that Petitioner's claims are precluded by the abstention doctrine set forth in *Younger v. Harris*, 401 U.S. 37 (1971) and this Court lacks subject matter jurisdiction over this matter. The Magistrate Judge recommends dismissal and remanding this matter to the state court.

Initially, Petitioner objected to dismissal, explaining that extraordinary circumstances exist which warrant an exception to *Younger* abstention. Specifically, Petitioner stated that the state court refuses to dismiss the criminal case against him even though the state court lacks jurisdiction. However, Petitioner later requested that this matter be remanded to state court, but with an order that his automobile and private

property be returned to him, the name Oscar Lee Washington and Petitioner's picture and fingerprints be removed from all databanks, and this case be dismissed with prejudice. (Doc. 7, PAGEID #126). Petitioner has also requested that the State of Ohio be substituted as a party in place of Butler County. (Docs. 8, 9). In his most recent motion, Petitioner asks that he be dropped as a party because he has no domicile in any state. (See Doc. 12, Petitioner's Motion to Grant Amended Notice of Removal pursuant to Amended Opposition to Magistrate Report Recommendation, and Diversity, Drop Petitioner as a Party Remand to State Court with Order to Return Petitioners Private Property with Attached Citizenship, Domicile, and Tax Status Affidavit in Support). In this motion, Petitioner asks that this Court grant removal, preserve diversity jurisdiction but then remand the matter to state court. (Doc. 12, PAGEID #177).

The Supreme Court has recently reiterated that "state criminal prosecutions" are a part of the "exceptional" circumstances fitting within the *Younger* doctrine. *Sprint Commc'ns, Inc. v. Jacobs*, 134 S. Ct. 584, 588, 187 L. Ed. 2d 505 (2013). This conclusion would not be altered by the substitution of the State of Ohio in place of Butler County. Therefore, the Magistrate Judge was correct in concluding that this Court lacks subject matter jurisdiction.

Because this Court lacks jurisdiction, Petitioner's Motion for Restoration and for a Screenshot of Entry and for Dismissal of Matter with Prejudice for Fraud upon the courts and the Accused (Doc. 10) is DENIED. Similarly, Petitioner's Motion to Grant Amended Notice of Removal pursuant to Amended Opposition to Magistrate Report Recommendation, and Diversity, Drop Petitioner as a Party Remand to State Court with

Order to Return Petitioners Private Property with Attached Citizenship, Domicile, and Tax Status Affidavit in Support is DENIED.

Based on the foregoing, the Magistrate Judge's March 30, 2016 R&R (Doc. 3) is hereby **ADOPTED**. It is hereby **ORDERED** that:

1. Petitioner's Motion for Restoration and for a Screenshot of Entry and for Dismissal of Matter with Prejudice for Fraud upon the courts and the Accused (Doc. 10) is **DENIED**;
2. Petitioner's Motion to Grant Amended Notice of Removal pursuant to Amended Opposition to Magistrate Report Recommendation, and Diversity, Drop Petitioner as a Party Remand to State Court with Order to Return Petitioners Private Property with Attached Citizenship, Domicile, and Tax Status Affidavit in Support (Doc. 12) is **DENIED**.
3. Petitioner's petition for removal of a state court action to this federal court is **DENIED**.
4. This matter is dismissed from the docket of the Court.
5. This matter is **REMANDED** to the Butler County Court.

**IT IS SO ORDERED.**

/s/ Michael R. Barrett  
JUDGE MICHAEL R. BARRETT